

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:17CR174
)	
vs.)	
)	
TRAYNELL D. TONEY)	ORDER
)	
Defendant.)	

This matter is before the court on the defendant's Unopposed Motion to Continue Trial [28]. Counsel is seeking additional time to resolve this matter short of trial. Defendant has complied with NECrimR 12.1(a). For good cause shown,

IT IS ORDERED that the Unopposed Motion to Continue Trial [28] is granted as follows:

1. The jury trial, now set for August 29, 2017 is continued to **November 21, 2017**.
2. The defendant has filed an affidavit required by paragraph 9 of the progression order and NE.CrimR 12.1(a) forthwith.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and November 21, 2017**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED September 11, 2017.

BY THE COURT:

**s/ Susan M. Bazis
United States Magistrate Judge**